

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARCUS BERNARD TRIPLETT,

Plaintiff,

-vs-

Case No. 07-14861
Hon: AVERN COHN

STATE FARM MUTUAL AUTOMOTIVE
INSURANCE COMPANY, a foreign
corporation,

Defendant.

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SCHEDULING ORDER

This case involves a claim for no-fault benefits including, but not limited to, attendant care arising out of an automobile accident on July 18, 2004. The case was filed in the Wayne County Circuit Court on August 13, 2007, and removed to this Court on November 13, 2007, on grounds of diversity. It is an unexceptional case in that a number of like cases have either been adjudicated or are pending in this District. Notwithstanding, discovery has been contentious; there is little cooperation between the parties resolving discovery differences to enable the case to go to trial. By agreement of the parties and with the reluctant approval of the Court, trial is now scheduled to begin on Monday, June 08, 2009.

On October 29, 2008, the Court held a motion hearing on a dispute regarding a deposition and on pending motions as follows:

- Plaintiff's Objections to and Motions to Strike the "Discovery Only" Depositions of Dr. Paul Dougherty, Gerald Shiener, M.D. and Renee

LaPointe.

- Plaintiff's Motion for Protective Order Seeking Adjournment of the Deposition of Paul Dougherty

In anticipation of the hearing, the Court reviewed the file history and came to the conclusion that the discovery process has been so abused as to call an end to it, except as stated in this order. Accordingly:

- A. Discovery is formally closed.
- B. The Motion to Strike the "Discovery Only" [etc] is GRANTED. The depositions may be used for any purposes provided by the rules.
- C. The Motion for Protective Order [etc] is DENIED. There are multiple lawyers in the firm representing plaintiff who may cover the deposition.
- D. The Court will not require a final joint pretrial statement. Ten (10) days prior to the final pretrial conference scheduled for Tuesday, March 10, 2009, at 2:00 pm, each party shall file:
 - 1. A list of the witnesses to be called at trial. Care shall be taken to assure a realistic list.
 - 2. A numbered list of the exhibits to be introduced at trial, together with a copy of each exhibit. Care shall be taken to assure a realistic list.
 - 3. Plaintiff's proposed instructions on the law of the case, together with a proposed verdict form.
 - 4. A detailed description by plaintiff of the damages claimed in appropriate categories.
- E. At the final pretrial conference the Court will consider a request to depose

listed witnesses who have not previously been deposed.

Nothing in this order prevents the parties mutually agreeing on additional discovery.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: October 30, 2008

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, October 30, 2008, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160